IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)	
Frank, *et al.*)	Confirmation No.: 9973
)	
Serial No.: 09/759,428)	Art Unit: 2131
)	
Filed: January 12, 2001)	Examiner: LaForgia, Christian A.
)	
For: SYSTEM AND METHOD FOR)	Docket No.: 10004553-1
PROVIDING SECURITY PROFILE)	
INFORMATION TO A USER OF A)	
COMPUTER SYSTEM)	

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief under 37 C.F.R. §41.41 is submitted in response to the Examiner's Answer

mailed October 20, 2006.

It is not believed that extensions of time or fees for net addition of claims are required, beyond

those which may otherwise be provided for in documents accompanying this paper. However, in the

event that additional extensions of time are necessary to allow consideration of this paper, such

extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including

fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development

Company, L.P. Deposit Account No. 08-2025.

REMARKS

For at least the reasons set forth in the Appeal Brief filed on July 6, 2006, Applicants respectfully assert that the final rejections of claims 1-28 are improper and should be overruled.

With respect to claim 1, it is asserted in the Examiner's Answer that:

> "In response to the Appellant's arguments regarding claims 1, 2, 5, 6, 8, 19, 20 , and 28 that *Shrader* fails to suggest the selection of a security rule by a user, the Examiner disagrees. It must be established that *Shrader* discloses security rules before there can be a selection of said rules. *Shrader* establishes at column 1, lines 11-33 that the present invention relates to security systems, and in particular the rules for filtering information passing through a firewall. The *Shrader* reference refers to these security rules as IP filtering rules throughout the disclosure of said patent. Regarding the selection of a security rule, or IP filtering rule, the Examiner refers to column 5, lines 34-48 and column 6, lines 31-39 of *Shrader*, which disclose the administrator selecting an IP filter rule.
>
> Therefore, *Shrader* discloses the selection of a security rule by a user and the rejection should be upheld."

However, Applicants' argument is not focused on whether *Shrader* discloses a selection of a "security rule." Indeed, Applicants have not stated that *Shrader* fails to disclose a selection of an alleged "security rule." Instead, it is Applicants' position that *Shrader* fails to disclose displaying of the alleged "information" in response to a selection of an alleged "security rule" that is displayed within a "list of security rules."

Moreover, it is apparently the Examiner's position that the "statistical information" described at column 5, line 61, through column 6, line 11, of *Shrader* constitutes the "information" recited by claim 1. However, as argued in the Appeal Brief, *Shrader* fails to teach that such "statistical information" is displayed in response to a user selection of an alleged "security rule" from a "displayed list" of "security rules." Thus, the Patent Office fails to establish a *prima facie* case of obviousness with respect to a "security application further configured... to display information describing said

selected rule in response to a selection of said one rule from said displayed list by said user," as recited

by claim 1.

In addition, it is asserted in the Examiner's Answer that:

> "In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references themselves provide a teaching, suggestion, and motivation for the combination as seen in the previous Office Action, and repeated again above. *Shrader* provides motivation at column 1, line 6 to column 2, line 2 in stating that such a modification would be an improvement to the user interface, thereby making the interface user friendly by preventing an administrator from writing information down from a plurality of screens."

However, the cited art fails to suggest that the user interface in *Hayes* is not "user friendly" or that a

user must "write down information from a plurality of screens" in *Hayes*. Accordingly, the proffered

reason for combining *Hayes* and *Shrader* is not sufficiently supported by the cited art but is instead

based on impermissible hindsight reconstruction of Applicants' invention. "Our case law makes clear

that the best defense against the subtle but powerful attraction of a hindsight-based obviousness

analysis is rigorous application for a showing of the teaching or motivation to combine prior art

references." *In re Dembiczcak*, 175 F.3d 994, 50 U.S. P.Q.2d 1614, 1617 (Fed. Cir. 1999). Further,

As set forth in the Appeal Brief, where there is no apparent disadvantage present in a particular prior

art reference, then generally there can be no motivation to combine the teaching of another reference

with the particular prior art reference. *Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 1349, 53

U.S.P.Q.2d 1580 (Fed. Cir. 2000). Moreover, Applicants submit that there is no apparent deficiency in

either *Shrader* or *Hayes* that would motivate one of ordinary skill in the art to combine one of the

references with the other. Thus, the combination of *Shrader* and *Hayes* under 35 U.S.C. §103 is improper.

With respect to claim 3, it is asserted in the Examiner's Answer that:

"The Examiner agrees with the Appellant's argument that *Hayes* does not disclose displaying information describing a security rule and would like to make clear for the record that the Examiner used *Shrader* to teach displaying information describing a security rule as argued above, as well as presented in the rejection also above."

The Examiner has indeed alleged that the "statistical information" of *Shrader* constitutes the "information" recited by claim 3, but the alleged "icons" are the ones shown in Figure 17 of *Hayes*. See paragraph 14 of the final Office Action. Applicants respectfully assert that the cited art fails to provide a motivation or reason for displaying different sets of the "statistical information" of *Shrader* in response to selections of different ones of the "icons" of *Hayes*. Thus, the Patent Office fails to establish a *prima facie* case of obviousness with respect to the features of "said security application further configured to display different sets of information describing said selected rule in response to selections of different ones of said icons," as recited by claim 3.

With respect to claim 9, it is alleged in the Examiner's Answer that Appellant's arguments regarding this claim do not comply with 37 C.F.R. §1.111(b). In traversing the rejection of claim 9, Applicants recite, with specificity, elements of claim 9 that are not suggested by the alleged combination of *Hayes* and *Shrader*. Further, the recited elements are similar to elements of claim 1 discussed, in detail, with respect to claim 1, and in traversing the rejection of claim 9, Applicants refer to the discussion of claim 1. Thus, Applicants have pointed out specific distinctions that are believed to render claim 9 patentable over *Hayes* and *Shrader*, thereby satisfying the requirements of 37 C.F.R. §1.111(b).

With respect to claim 4, it is asserted in the Examiner's Answer that:

> "In response to Appellant's argument regarding claims 4 and 12 that the combination of references fail to show certain features of Appellant's invention, it is noted that the features upon which Appellant relies, such as the first sub-window and the second sub-window being different windows within the same main window, are not recited in the rejected claims."

Applicants respectfully disagree. In this regard, claim 4 recites a "main window," a "first sub-window *of said main window*," and "a second sub-window *of said main window*." (Emphasis added). The terms "first" and "second" clearly distinguish the recited "sub-windows" from one another and the phrase "of said main window" requires the "sub-windows" to be within the "main window."

With respect to claim 23, it is alleged in the Examiner's Answer that Appellant's arguments regarding this claim do not comply with 37 C.F.R. §1.111(b). In traversing the rejection of claim 23, Applicants recite, with specificity, elements of claim 23 that are not suggested by the alleged combination of *Hayes* and *Shrader*. Further, the recited elements are similar to elements of claim 1 discussed, in detail, with respect to claim 1, and in traversing the rejection of claim 23, Applicants refer to the discussion of claim 1. Thus, Applicants have pointed out specific distinctions that are believed to render claim 23 patentable over *Hayes* and *Shrader*, thereby satisfying the requirements of 37 C.F.R. §1.111(b).

With respect to claims 24-27, it is alleged in the Examiner's Answer that Applicants' arguments regarding these claims fails to comply with 37 C.F.R. §1.111(b). However, such arguments specifically point out that claims 24-27 are allowable as a matter of law since their independent claim 22 is allowable. Such arguments satisfy the requirements of 37 C.F.R. §1.111(b).

CONCLUSION

Based on the foregoing discussion and the arguments set forth in the Appeal Brief, Applicants respectfully request that the Examiner's final rejections of claims 1-28 be overruled and withdrawn by the Board, and that this application be allowed to issue as a patent with all pending claims.

Respectfully submitted,

THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.

By:

Jon E. Holland
Reg. No. 41,077
(256) 704-3900 Ext. 103

Hewlett-Packard Development Company, L.P.
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400